

Notice of Allowability

Application No.

10/657,590

Examiner

Rosalynd Keys

Applicant(s)

REYES ET AL.

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments and remarks filed May 13, 2005 and June 17, 2005.
2. ☒ The allowed claim(s) is/are 25-37 (now claims 1-13).
3. ☒ The drawings filed on 08 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/3/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. Claims 25-37 are pending.

Claims 25-37 are allowed.

Response to Amendment

Claim Rejections - 35 USC § 112

2. The rejection of claims 1-24, and 39-58 under 35 U.S.C. 112, second paragraph, is withdrawn, since these claims were canceled in the amendment, filed May 13, 2005.

Claim Rejections - 35 USC § 102

3. The rejection of claims 1-16, 18-21, 24, 39-51, 53-56, and 59-75 under 35 U.S.C. 102(e) as being anticipated by Risch et al. (S 2004/0254416 A1), is withdrawn, since these claims were canceled in the amendment, filed May 13, 2005.

4. The rejection of claims 1-9, 11-14, 18, 19 and 21 under 35 U.S.C. 102(b) as being anticipated by Lewis et al. (US 4,861,938) in view of Wilson et al. (US 4,310,440), is withdrawn, since these claims were canceled in the amendment, filed May 13, 2005

5. The rejection of claims 1-8, 10-14, 18, 39-45, 47-49, and 53 under 35 U.S.C. 102(b) as being anticipated by Nagji et al. (EP 0 229 994 B1), is withdrawn, since these claims were canceled in the amendment, filed May 13, 2005

Claim Rejections - 35 USC § 103

6. The rejection of Claims 1, 10, 14-17, 18, 20, and 22-75 under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 4,861,938) in view of Wilson et al. (US 4,310,440) in further view of Olson (US 6,488,741 B2) and Miller et al. (US 6,403,854) is withdrawn for the reasons

Art Unit: 1621

given in the first paragraph on page 7 of the remarks, filed May 13, 2005 and the cancellation of claim 38 in the amendment filed June 17, 2005.

Allowable Subject Matter

7. Claims 25-37 (now claims 1-13) are allowed.

8. The following is an examiner's statement of reasons for allowance: the instant claims are allowable over the prior art of record for the reasons given in paragraph 6 above and further the instant claims are allowable over Reyes et al. (US 6,733,572 B2), since the two were commonly owned at the time the instant invention was made (see attorney's statement in paragraph 1 on page 5 of the remarks, filed June 17, 2005).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

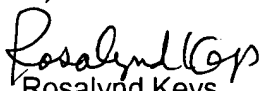
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reyes et al. (US 6,733,572 B2) teach separation of propylene and dimethylether from hydrocarbon mixtures (see entire disclosure).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosalynd Keys whose telephone number is 571-272-0639. The examiner can normally be reached on M and F 3:00-8:00 pm and T-TR 5:30-10:30 am.

Art Unit: 1621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Rosalyn Keys
Primary Examiner
Art Unit 1621

June 21, 2005